

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONTE MCDANIEL,
Plaintiff,
v.
R. BROOMFIELD,
Defendant.

Case No. [21-cv-05977-WHO](#) (PR)

ORDER OF DISMISSAL

When plaintiff Donte McDaniel filed an unsigned complaint, the Clerk sent him notices informing him that (i) he had submitted an unsigned complaint; (ii) page 3 of the complaint was missing; (iii) he must file a signed complaint; and (iv) he must either pay the filing fee or file an application to proceed *in forma pauperis* (IFP). (Dkt. Nos. 2 and 3.) When the deadline had passed and McDaniel had not responded in any way to the Clerk's Notices, I issued an order directing him to comply with the Clerk's Notices and extending the deadline for doing so. (Dkt. No. 7.) There has been no response to the order.

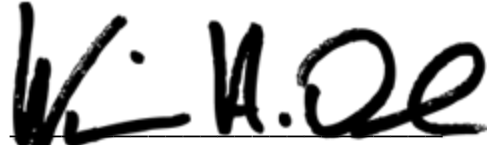
Accordingly, this federal civil rights action is DISMISSED (without prejudice) for failing to comply with the Clerk's Notices and for failing to prosecute, *see* Federal Rule of Civil Procedure 41(b).

1 Because this dismissal is without prejudice, plaintiff may move to reopen. Any
2 such motion must contain both (i) a complete application to proceed IFP (or full payment
3 for the \$402.00 filing fee); and (ii) a signed complaint on this Court's form. The words
4 MOTION TO REOPEN must appear on the first page.

5 The Clerk shall enter judgment in favor of defendant, and close the file.

6 **IT IS SO ORDERED.**

7 **Dated:** November 16, 2021

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

8 WILLIAM H. ORRICK
9 United States District Judge
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